

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shaolin Li

Application No.: 10/820,962

Confirmation No.: 9558

Filed: April 7, 2004

Art Unit: 2617

For: SYSTEM AND METHOD FOR ACHIEVING
TIMING COMPATIBILITY WITH MULTI-
ANTENNA WIRELESS DATA PROTOCOLS

Examiner: Sam Bhattacharya

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The outstanding Restriction Requirement, mailed 10/16/08, has required restriction between the following claims that have been indicated as directed to two patentably distinct inventions as follows:

Group I: claims 1-9, 31-40, 51-55 and 57-61 drawn to transmitting a response before decoding and classified in class 370, subclass 355; and

Group II: claims 10-18, 41-46, 56 and 62, drawn to packet decoding and acknowledgement, classified in class 370, subclass 338.

It is noted that this is a second restriction requirement. The original restriction requirement, which involved a slightly different grouping of the claims and different class/subclasses was mailed on 5/21/08 and responded to on 6/23/08. Applicant respectfully request clarification for the need for a second restriction requirement.

In response to the outstanding Restriction Requirement set forth in the Office Action mailed October 16, 2008, applicant hereby provisionally elects the above proposed **Group I** of claims 1-9, 31-40, 51-55 and 62, drawn to transmitting a response before decoding and classified in class 370, subclass 355, with traverse. Applicant makes these elections based on the understanding that Applicant is not prejudiced against filing one or more divisional applications that cover the non-elected claims.

In addition, Applicants respectfully traverse the original Restriction Requirement for the following reasons. In particular:

MPEP Section 803 states:

[i]f the search and examination of an entire application can be made *without serious burden*, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions (emphasis added).

That is, the claims of the present invention would appear to be part of the same technology area as indicated at least by the common overall classification (i.e., class 370). Though the Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (*see* 37 CFR 1.142(a)), Applicants respectfully submit the inventions are not independent and examination of the entire application can be performed *without serious burden*. That is, Applicants respectfully submit that an examination of one set of claims (i.e., **Group I**), will also require a search in classes/subclasses common to the same technology area for the second set of claims (i.e., **Group II**).

Therefore, Applicants respectfully request that the Restriction Requirement be withdrawn and the entire application be examined. However, if the Restriction Requirement is not withdrawn, examination on the merits of **Group I** of claims 1-9, 31-40, 51- 55 and 62 is in order and an early and favorable action to that effect is respectfully requested.